

AMENDED IN SENATE MAY 4, 2005

AMENDED IN SENATE APRIL 12, 2005

**SENATE BILL**

**No. 617**

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**Introduced by Senator Speier**

***(Principal coauthors: Senators Alquist and Migden)***

*(Principal coauthors: Assembly Members Liu and Lieber Karnette,  
Lieber, and Liu)*

February 22, 2005

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An act to add Chapter 5 (commencing with Section 3430) to Title 2 of Part 3 of the Penal Code, relating to the Gender Specific Standards for Women in Prison Task Force.

LEGISLATIVE COUNSEL'S DIGEST

SB 617, as amended, Speier. Women prisoners: Gender Specific Standards for Women in Prison Task Force.

Existing law generally regulates the conditions of incarceration for women inmates in state prisons.

This bill would establish the Gender Specific Standards for Women in Prison Task Force, and charge it with evaluating certain conditions in all publicly and privately operated correctional institutions for women, and reporting on those conditions to the Secretary of the Youth and Adult Correctional Agency. The bill would require pregnant inmates to be housed separately and to receive specified care. It would make related changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. The Legislature finds and declares all of the  
2 following:

3     (a) The Department of Corrections (CDC) currently  
4 incarcerates 10,800 female offenders in four prisons and four  
5 privately operated lower level facilities.

6     (b) The CDC currently treats only 1,764 of the total female  
7 offender population for substance abuse issues.

8     (c) At least 85 percent of these women are substance abusers,  
9 victims of crime, or mentally ill. More than 80 percent are  
10 mothers to minor and dependent children. The CDC has not  
11 increased the number of mother-child beds since the early  
12 1980's, even though the female inmate population has increased.

13     (d) Most female offenders in prison report experiencing  
14 trauma or abuse prior to committing a crime. Sixty-five percent  
15 have a family member in jail or prison. Sixty-two percent had  
16 been separated from their children against their will. Twenty-one  
17 percent had been a child of the foster care system. Forty-nine  
18 percent have been a victim of physical assault as an adult, and 31  
19 percent were assaulted as a child. Twenty-nine percent have been  
20 raped as a child and 31 percent were raped as an adult.  
21 Forty-eight percent lived in a violent home as a child. Fifty-eight  
22 percent were abused or neglected as a child.

23     (e) Seven thousand two hundred eighty-four female offenders  
24 are currently serving sentences for nonviolent or nonserious  
25 crimes. Only 833 female offenders are serving sentences for  
26 serious crimes and 2,531 for violent crimes.

27     (f) More than 67 percent of all female offenders incarcerated  
28 in the Department of Corrections prisons are serving sentences  
29 for nonviolent and nonserious crimes.

30     (g) In 2004, of the 10,181 female offenders serving sentences  
31 only 7,006 were new commitments, 1,785 violated parole with a  
32 new crime, 1,040 were returned to custody for minor parole  
33 violations, and 350 had parole revocation cases pending.

34     (h) The CDC currently houses 15 females on death row at the  
35 Central California Women's Facility in Chowchilla although no  
36 female offender has been executed since the death penalty was  
37 reinstated in the 1980's.

1 (i) In 2004, of the 10,181 female offenders in prison, 3,069  
2 committed crimes against another person, 3,507 committed  
3 property crimes, 3,076 committed drug crimes, and 529  
4 committed miscellaneous crimes.

5 (j) Currently, the racial profile of female offenders in prison is  
6 39 percent Caucasian, 25 percent Hispanic, 29 percent Black or  
7 African-American and less than 1 percent other ethnic groups.

8 (k) The average female offender in prison is 36 years of age.  
9 Eleven percent are under 25 years of age, and less than 1 percent  
10 are over 50 years of age.

11 (l) Only 1.3 percent of female offenders in prison are sex  
12 offenders as opposed to 14.3 percent of male offenders in prison.

13 (m) Only .07 percent of female offenders are committed to  
14 prison for a third strike as opposed to the 5 percent of the male  
15 offender population who are third strike cases.

16 (n) Eight and one-half percent of the female offender  
17 population is serving life sentences with possibility of parole and  
18 1.3 percent are serving life sentences without the possibility of  
19 parole.

20 (o) Since 2001, more than 1,100 female offenders have given  
21 birth in prison. The estimated cost associated with these births is  
22 approximately \$4.2 million. Female offenders giving birth while  
23 in prison are separated from their newborn after two days in the  
24 hospital for regular delivery and four days after cesarean section.

25 (p) Female prisons do not have waiting lists for family and  
26 overnight visiting. Historically, female offenders do not have  
27 strong family support and lose most of their family contact while  
28 in prison.

29 (q) Female offenders' health care costs are approximately 60  
30 percent higher compared to male offenders' health care. The  
31 CDC attributes this disparity to higher rates of HIV infections,  
32 mental disorders, victimization, and female reproduction organs.

33 (r) Female offenders receive very little dental care resulting in  
34 12,125 tooth extractions and merely 39 root canals from 2002 to  
35 2004, inclusive.

36 SEC. 2. Chapter 5 (commencing with Section 3430) is added  
37 to Title 2 of Part 3 of the Penal Code, to read:

1 CHAPTER 5. GENDER SPECIFIC STANDARDS FOR WOMEN IN  
2 PRISON TASK FORCE  
3

4 3430. (a) There is hereby established a Gender Specific  
5 Standards for Women in Prison Task Force for the purpose of  
6 evaluating the current conditions in all publicly and privately  
7 operated correctional facilities for women within the Youth and  
8 Adult Correctional Agency. The task force shall be charged with  
9 evaluating the current conditions for women in prison and  
10 making recommendations for changes to meet their specific  
11 needs.

12 (b) *The task force shall be fully operational no later than April*  
13 *1, 2006, and it shall be the objective of the task force that each*  
14 *correctional institution for women under the jurisdiction of the*  
15 *Department of Corrections be observed by the task force no later*  
16 *than July 1, 2006.*

17 (c) *The task force shall report their findings and*  
18 *recommendations for solving the identified problems in writing*  
19 *to the Secretary of the Youth and Adult Correctional Agency no*  
20 *later than October 1, 2006. The secretary shall compile the task*  
21 *force's findings and recommendations, including a plan for*  
22 *implementing the recommendations, into a final report to the*  
23 *Legislature and the Governor, to be submitted no later than*  
24 *January 1, 2007.*

25 (d) *The task force shall operate under the auspices of the*  
26 *Inspector General, and shall report to the Inspector General, any*  
27 *problems encountered during the operation of the task force.*

28 3431. (a) The task force shall consist of six members  
29 appointed as follows:

30 (1) The Governor shall have two appointments, one of which  
31 shall be an advocate for women in prison and the other shall be a  
32 female ex-offender who spent a minimum of one year  
33 incarcerated in a women's prison in California.

34 (2) The Senate pro Tempore shall have two appointments, one  
35 of which shall be a female Senator and the other a clinician with  
36 a vast knowledge about women's health.

37 (3) The Speaker of the Assembly shall have two appointments,  
38 one of which shall be a female Assembly Member and the other  
39 a clinician with a vast knowledge about women's health.

1 (b) No task force member shall be an employee of an agency  
2 within the Youth and Adult Correctional Agency.

3 (c) The Secretary of the Youth and Adult Correctional Agency  
4 or his or her designee shall be responsible for establishing a  
5 process for the task force members to observe and interview  
6 women inmates in a manner that is not disruptive to the operation  
7 of a correctional institution, nor a process that shall subject the  
8 members to undue personal risk. Any and all licensed physicians  
9 who are members of the task force shall be allowed, with inmate  
10 consent, to conduct medical examinations and to review medical  
11 records which shall be made immediately available to the  
12 licensed physician task force members by the institution.

13 3432. At a minimum the task force shall evaluate the need for  
14 gender specific programs to meet the needs of the majority of the  
15 women, and shall address the following conditions, including,  
16 but not limited to:

- 17 (a) Mothers of dependent and minor children.
- 18 (b) Currently pregnant inmates.
- 19 (c) Women who have been victims of crime themselves.
- 20 (d) The need for mental health services.
- 21 (e) The need for drug or alcohol abuse treatment.
- 22 (f) Women who will serve less than a two-year sentence.
- 23 (g) Women who do not have a high school diploma or GED.
- 24 (h) Women who committed their crimes to enable a domestic  
25 abuser.
- 26 (i) Women who possess few or no employment skills.
- 27 (j) Women who do not receive regular visiting or strong  
28 family support while in prison.
- 29 (k) Women who have self-esteem and self-worth issues.
- 30 (l) Poor medical and dental care.
- 31 (m) Poor nutritional habits and lifestyles.
- 32 (n) Women who have developmental disabilities.
- 33 (o) Daily physical exercise.

34 3433. (a) The Youth and Adult Correctional Agency  
35 (YACA) shall ensure the task force has unlimited access to all  
36 female institutions, and female offenders shall be afforded the  
37 opportunity to have private discussions with task force members  
38 without fear of retaliation. Any YACA staff member found to  
39 interfere with the charge of this task force shall be subject to the  
40 appropriate disciplinary process currently in place.

1 (b) All female inmates incarcerated in ~~YACA institutions~~  
2 *institutions under the jurisdiction of the Department of*  
3 *Corrections* who are pregnant shall be housed separately with  
4 other pregnant inmates and shall be given the proper nutritional  
5 and balanced meals. The department shall provide prenatal care  
6 at the level recommended by the American  
7 Obstetrics/Gynecological Standards and shall be afforded a  
8 program designed specifically for mothers with infants for the  
9 first six months of the child's life. Once the child has reached six  
10 months of age the department shall make the necessary  
11 arrangements for the inmate to have regular weekly contact with  
12 the infant.